

REMARKS

This is a full and timely response to the non-final Office Action, mailed January 10, 2007, and the Notice of Non-Compliant Amendment, mailed July 9, 2007. Upon entry of the foregoing amendments, claims 1, 3, 4 and 6-26 remain pending in the application. Claims 1, 3, 4, 8, 15-17, 21 and 25 have been amended. Claims 2 and 5 have been cancelled. The subject matter of amended claims 1, 3, 4, 8, 15-17, 21 and 25 is supported in Applicant's originally filed specification. Accordingly, no new matter is added to the present application. Applicants request reconsideration of the application and pending claims in light of the foregoing amendments and following remarks.

Regarding the Notice of Non-Compliant Amendment

Applicants thank the Office for pointing out the error in the list of claims submitted on April 10, 2007. Specifically, the status identifier for amended claim 4 included the identifier "Original." Applicants have amended the list of claims such that the status identifier for amended claim 4 includes "Currently amended." Accordingly, Applicants respectfully submit that the list of claims are in compliance with 37 CFR 1.121 and request that the claims be substantively examined.

I. Claim Rejections Under 35 USC § 102 – Claims 1-26

A. Statement of the Rejection

Claims 1-26 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication Number 2004/0057581 to Rhoads (*Rhoads*).

B. Discussion of the Rejection

It is well established that "anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 Fed 2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

Claims 2 and 5 have been cancelled. Consequently, the rejections of claims 2 and 5 are moot.

Applicant respectfully submits that independent claims 1, 15, 21 and 25, as amended, are patentable for at least the reason that *Rhoads* fails to disclose, teach, or suggest each element in the amended claims.

Before specifically addressing the patentability of each of Applicant's independent claims, Applicant notes a fundamental difference between *Rhoads*' systems and methods for generating a secure transaction card and Applicant's point-of-sale customer identification system. *Rhoads* describes the use of a template in the process of creating a secure document. The template is used to define regions or areas of a document in which to place certain content. *Rhoads* describes placing encoded information into the various regions or areas of the document as an aide in a process of authenticating the document when it is presented. The encoded information is interrelated in a manner to create a document that is difficult to reproduce or copy.

Rhoads' use of a template to produce a document (i.e., a transaction card) is very different from Applicant's point-of-sale customer identification system, which uses a template to identify and interpret information on an existing personal identification document. Applicant's template identifies the overall structure of the document, which can be used to identify the type of document, and then define the individual fields of data available on the document. Identified data values are used to support a point-of-sale transaction.

1. Claims 1-14

Regarding claim 1, *Rhoads* fails to disclose, teach, or suggest Applicant's claimed merchant terminal, which includes "at least one template corresponding to at least one type of an existing personal identification document, said one template being used to interpret customer data fields." Accordingly, *Rhoads* fails to show Applicant's claimed merchant terminal.

Rhoads describes a system and method for generating a highly secure personal identification related document. (See *Rhoads*, Abstract.) Specifically, *Rhoads* describes a system and method for generating a self-authenticating transaction card by integrating information with a photograph of the card holder. The integrated information is spatially aligned using a select subset of a much larger set of orthogonal spatial patterns. When a holder of the card uses the transaction card, a scanned image of the transaction card is applied to an algorithm that produces a plurality of dot product results that can be compared to dot product results generated when the self-authenticating card was produced. A separate network coupled device determines whether the photograph on a presented transaction card matches the original image.

Rhoads further describes the use of a template in the process of creating a secure document. The template is used to define regions or areas of a document in which to place certain content. *Rhoads*' use of a template to produce a document (i.e., a transaction card) is very different from Applicant's claimed merchant terminal which includes "at least one template corresponding to at least one type of an existing personal identification document, said one template being used to interpret customer data fields." A template that directs the production of a transaction card does not anticipate a template corresponding to at least one type of an existing personal identification document, said one template being used to interpret customer data fields. Accordingly, each element of the claimed merchant terminal is not disclosed in *Rhoads*. Consequently, Applicant submits independent claim 1, as amended, is allowable over *Rhoads* and respectfully requests that the rejection of claim 1 be withdrawn.

Because independent claim 1 is allowable, dependent claims 3, 4 and 6-14, which depend directly or indirectly from claim 1, are also allowable. *See In re Fine*, 837, F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection of claims 3, 4 and 6-14 also be withdrawn.

2. Claims 15-20

Concerning claim 15, *Rhoads* fails to disclose, teach, or suggest Applicant's claimed method of processing a point-of-sale transaction at a merchant terminal, which includes the step of "mapping the character data using a document template to identify types of character data and assigning the character data as values for the identified types of character data to generate customer data used in processing the point-of-sale transaction." Thus, *Rhoads* fails to anticipate Applicant's claimed method.

As shown above, *Rhoads* describes a system and method for generating a self-authenticating transaction card by integrating information with a photograph. The integrated information is spatially aligned using a select subset of a much larger set of orthogonal spatial patterns. A scanned image of the transaction card is applied to an algorithm that produces a plurality of dot product results that can be compared to dot product results generated when the self-authenticating card was produced to ensure the authenticity of the transaction card.

Rhoads further describes the use of a template in the process of creating a secure document. The template is used to define regions or areas of a document in which to place certain content. *Rhoads*' use of a template to produce a document (i.e., a transaction card) is very different from Applicant's claimed method of processing a point-of-sale transaction at a merchant terminal which includes at least the step of "mapping the character data using a document template to identify types of character data and assigning the character data as values for the identified types of character data to generate customer data used in processing the point-of-sale transaction." A template that directs the production of a self-authenticating transaction card does not anticipate mapping character data using a document template . . . to generate customer data used in processing a point-of-sale transaction. Accordingly, each step of the claimed method of processing a point-of-sale transaction is not disclosed in *Rhoads*. Consequently, Applicant submits independent claim 15, as amended, is allowable over *Rhoads* and respectfully requests that the rejection of claim 15 be withdrawn.

Because independent claim 15 is allowable, dependent claims 16-20, which depend directly or indirectly from claim 15, are also allowable. *See In re Fine, supra.* Accordingly, Applicant respectfully requests that the rejection of claims 16-20 also be withdrawn.

3. Claim 21

Regarding claim 21, *Rhoads* fails to disclose, teach, or suggest Applicant's claimed method implemented by a merchant terminal, which includes the step and sub-steps of "generating customer data from a scanned image of the personal identification document by: using a predefined template which defines a document layout to identify the scanned personal identification document; using the predefined template to identify regions containing text on the personal identification document and definitions attributed to the regions containing text; performing an optical character recognition process on the regions containing text to obtain customer data values; associating the customer data values with the definitions obtained from the template; and populating fields of a displayed form with the customer data values." Consequently, *Rhoads* fails to anticipate Applicant's claimed method.

As shown above, *Rhoads* describes the use of a template in the process of creating a secure document. The template is used to define regions or areas of a document in which to place certain content. *Rhoads*' use of a template to produce a document (i.e., a transaction card) is very different from Applicant's claimed method implemented by a merchant terminal which includes at least the step and sub-steps of "generating customer data from a scanned image of the personal identification document by: using a predefined template which defines a document layout to identify the scanned personal identification document; using the predefined template to identify regions containing text on the personal identification document and definitions attributed to the regions containing text; performing an optical character recognition process on the regions containing text to obtain customer data values; associating the customer data values with the definitions obtained from the template; and populating fields of a displayed form with the customer

data values.” A template that directs the production of a self-authenticating transaction card does not anticipate generating customer data from a scanned image of the personal identification document by . . . associating the customer data values with the definitions obtained from the template; and populating fields of a displayed form with the customer data values. Accordingly, each element of the claimed method is not disclosed in *Rhoads*. Consequently, Applicant submits independent claim 21, as amended, is allowable over *Rhoads* and respectfully requests that the rejection of claim 21 be withdrawn.

4. Claim 22-24

Concerning claim 22, *Rhoads* fails to disclose, teach, or suggest Applicant’s claimed financial services system, which includes “logic configured to generate customer data associated with the text file by comparing the text file to a document template of the personal identification document.” Accordingly, *Rhoads* fails to anticipate Applicant’s claimed financial system.

As shown above, *Rhoads* describes the use of a template in the process of creating a secure document. The template is used to define regions or areas of a document in which to place certain content. *Rhoads*’ use of a template to produce a document (i.e., a transaction card) does not disclose, teach or suggest the use of a text file to generate customer data by comparing the text file to a document template of the personal identification document. Consequently, Applicant submits independent claim 22 is allowable over *Rhoads* and respectfully requests that the rejection of claim 22 be withdrawn.

Because independent claim 22 is allowable, dependent claims 23 and 24, which depend directly from claim 22, are also allowable. *See In re Fine, supra.* Accordingly, Applicant respectfully requests that the rejection of claims 23 and 24 also be withdrawn.

5. Claims 25-26

Regarding claim 25, *Rhoads* fails to disclose, teach, or suggest Applicant’s claimed point-of-sale merchant terminal, which includes “a processor operable to: compare the

document layout of the scanned personal identification document with a template to identify a document type; identify the various fields of the scanned personal identification document; convert the identified fields to text; and associate the text with types of customer data defined by the template.” Thus, *Rhoads* fails to anticipate Applicant’s claimed point-of-sale merchant terminal.

As shown above, *Rhoads* describes the use of a template in the process of creating a secure document. The template is used to define regions or areas of a document in which to place certain content. *Rhoads*’ use of a template to produce a document (i.e., a transaction card) does not disclose, teach or suggest a processor operable to . . . identify a document type, identify the various fields of the scanned personal identification document, convert the identified fields to text and associate the text with types of customer data defined by the template. Consequently, Applicant submits independent claim 25, as amended, is allowable over *Rhoads* and respectfully requests that the rejection of claim 25 be withdrawn.

Because independent claim 25 is allowable, dependent claim 26, which depends directly from claim 25, is also allowable. *See In re Fine, supra.* Accordingly, Applicant respectfully requests that the rejection of claim 26 also be withdrawn.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that pending claims 1, 3, 4 and 6-26 are allowable over the cited art of record and the present application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited. Should the Examiner have any comments regarding the Applicant's response, Applicants request that the Examiner telephone Applicant's undersigned attorney.

Respectfully submitted,

**SMITH FROHWEIN TEMPEL
GREENLEE BLAHA LLC**

By: /Robert A. Blaha/
Robert A. Blaha
Registration No. 43,502
(770) 709-0069